



Public Notice

U.S. Army Corps Of Engineers Galveston District	Permit Application No: _____	SWG-2008-00306
	Date Issued: _____	17 December 2008
	Comments Due: _____	20 January 2009

U.S. ARMY CORPS OF ENGINEERS, GALVESTON DISTRICT

PURPOSE OF PUBLIC NOTICE: To inform you of a proposal for work in which you might be interested. It is also to solicit your comments and information to better enable us to make a reasonable decision on factors affecting the public interest. We hope you will participate in this process.

AUTHORITY: This application will be reviewed pursuant to Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act

APPLICANT: Regent Properties, LLC
14735 Summerway Lane
Houston, Texas 77014-1116

AGENT: Berg♦Oliver Associates, Inc.
14701 St. Mary's Lane, Suite 400
Houston, Texas 77079-2932

WATERWAY AND LOCATION: The proposed Sienna Plantation Wetland Mitigation Bank (SPWMB) is a 305-acre tract within the 100-year floodplain of the Brazos River in Fort Bend County, Texas. More specifically, the site is situated northwest of the intersection of Miller Road and State Highway 521, and can be located on the United States Geological Service (USGS) quadrangle map entitled: THOMPSONS, Texas. Approximate UTM Coordinates in NAD 27 (meters): Zone 15; Easting: 256075; Northing: 3260914 (see Location Map)

PROJECT DESCRIPTION: The applicant is proposing to establish a wetland mitigation bank to provide an effective approach to satisfy compensatory mitigation requirements of the U.S. Army Corps of Engineers (Corps) Regulatory Program developed in accordance with the Compensatory Mitigation for Losses of Aquatic Resources [73 Fed. Reg. 19594, 10 April 2008 (codified in 33 CFR 332)]. A Mitigation Banking Instrument (MBI) would be developed following the aforementioned policy and would detail the legal and physical characteristics of the bank and how the bank would be established and operated.

Subjects addressed in detail in the MBI would include development of the site, service area, credit determination, financial assurances, scope of agreement, purpose and goals of the bank, baseline conditions, performance standards for enhancement activities, accounting procedures, monitoring and reporting, long-term maintenance and protection, and transfer of bank ownership or sponsorship. The applicant will be working with the Corps and other Federal and State resource agencies (the Interagency Review Team-IRT) in the development of the MBI.

Based on the applicant's preliminary wetland survey of the site, it is estimated that approximately 80 acres of forested wetlands currently exist on the site. Historical aerial photography indicates that the majority of the site was dominated by forested wetland at one time. The SPWMB is proposed as an opportunity to restore wetlands on the site based on position in the landscape, proximity to hydrologic sources, soil type, and an available seed source. It is estimated that approximately 180 additional acres of wetlands could be restored and/or created while the existing 80 acres of wetlands be enhanced, maintained, and preserved, both for perpetuity. The SPWMB will require the discharge of fill material into "Waters of the U.S.". Berms, ditch blocks, and water control structures will be constructed in waters to facilitate wetland restoration/creation and enhancement activities. The bank is proposed with the following components: 1) Forested wetland creation; 2) Forested wetland enhancement; 3) Forested wetland restoration; and 4) Upland forest buffer restoration. The applicant proposes to immediately generate credits through preservation of 50.28 acres of existing forested wetlands using a 7:1 ratio within the primary service area. Additional credits would be released for these preserved wetland areas based on the functional lift due to enhancement efforts. The additional credits would be determined by the Corps based on HGM assessment findings. Future credits would be released and available for purchase upon approval of the HGM assessment for creation and restoration areas. Credits would be issued using a 1:1 ratio within the primary service area and 2:1 ratio within the secondary service area (see Hydrologic Unit Map)

The applicant's plans are included in three sheets. The complete Prospectus which includes a more detailed description of the proposed project and project site maps can be obtained at: <http://www.swg.usace.army.mil/reg/pn.asp>, or upon request from the project manager listed on page 4 of this notice.

NATIONAL REGISTER OF HISTORIC PLACES: The Corps staff archaeologist will evaluate the bank site processed under this proposal and review the latest published version of the National Register of Historic Places, lists of properties determined eligible, and other sources of information. This will determine the current knowledge of the presence or absence of historic properties and the effects of the undertaking upon these properties.

THREATENED AND ENDANGERED SPECIES: An evaluation will be conducted on the bank site processed under this proposal to determine if threatened and/or endangered species, or their critical habitat, will be affected by the proposed work. If necessary, consultation with the U.S. Fish and Wildlife and/or the National Marine Fisheries Service will be initiated to assess the effect on endangered species.

PUBLIC INTEREST REVIEW FACTORS: This application will be reviewed in accordance with 33 CFR 320-330, the Regulatory Programs of the Corps, the Compensatory Mitigation for Losses of Aquatic Resources [73 Fed. Reg. 19594, 10 April 2008 (codified in 33 CFR 332)] and other pertinent laws, regulations and executive orders. The decision whether to authorize this proposal will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the proposal, will be considered: among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs and, in general, the needs and welfare of the people.

SOLICITATION OF COMMENTS: The Corps is soliciting comments from the public, Federal, State, and local agencies and officials, Indian tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny this proposed amendment. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Impact Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

This public notice is being distributed to all known interested persons in order to assist in developing facts upon which a decision by the Corps may be based. For accuracy and completeness of the record, all data in support of or in opposition to the proposed activity should be submitted in writing setting forth sufficient detail to furnish a clear understanding of the reasons for support or opposition.

PUBLIC HEARING: Prior to the close of the comment period any person may make a written request for a public hearing setting forth the particular reasons for the request. The District Engineer will determine whether the issues are substantial and should be considered in the decision. If a public hearing is warranted, all known interested persons will be notified of the time, date, and location.

CLOSE OF COMMENT PERIOD: All comments pertaining to this Public Notice must reach this office on or before **20 January 2009**. Extensions of the comment period may be granted for valid reasons provided a written request is received by the limiting date. **If no comments are received by that date, it will be considered that there are no objections.** Comments and requests for additional information should be submitted to:

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